



## WESTFIELD-WASHINGTON

### BOARD OF ZONING APPEALS

October 12, 2010

1010-VS-05

Exhibit 1

<b>PETITION NUMBER:</b>	1010-VS-05
<b>SUBJECT SITE ADDRESS:</b>	1535 East 191 <sup>st</sup> Street
<b>APPELLANT:</b>	James L. and Karen S. Bontrager
<b>REQUEST:</b>	Reduction of the eastern side yard setback from 30 feet to 15 feet, for the construction of a detached garage (WC 16.04.030 B6b).
<b>CURRENT ZONING:</b>	AG-SF1
<b>CURRENT LAND USE:</b>	Residential
<b>APPROXIMATE ACREAGE:</b>	1.98 acres
<b>EXHIBITS:</b>	1. Staff Report 2. Aerial Location Map 3. Appellant's Application and Plans
<b>STAFF REVIEWER:</b>	Kevin M. Todd, AICP

### **PETITION HISTORY**

This petition will receive a public hearing at the October 12, 2010 Board of Zoning Appeals (the "BZA") meeting.

### **ANALYSIS**

The subject property is used residentially and is located at 1535 East 191<sup>st</sup> Street (the "Property"). The Property is located in the Agricultural-Single Family 1 (AG-SF1) District. Single-family residential uses and accessory uses thereof are permitted in the AG-SF1 District. The Appellant is requesting relief from the eastern side yard setback requirement in order to construct a new detached garage. The request is to reduce the setback requirement from thirty (30) feet to fifteen (15) feet, a fifty (50) percent reduction.

The garage would be located approximately twenty-nine (29) feet behind the rear plane of the principal building. According to the Appellant, an existing septic field, located behind the principal building, creates a conflict in meeting the minimum side yard setback requirement from the eastern property line.

The property to the east (the "Eastern Property") is zoned General Business (GB) and is currently agricultural/residential in use. The residential structure on the Eastern Property is located behind the plane of the Property's rear property line.

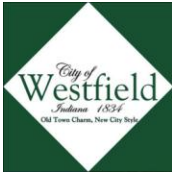
### **PROCEDURAL**

The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Ind. Code 36-7-4-918.5 only upon a determination in writing that:

### **STANDARDS FOR VARIANCE REQUEST**

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

**Findings:** It is unlikely that approving the requested variance will be injurious to the public health, safety, morals, and general welfare of the community. The proposed residential accessory building is a contemplated and acceptable use in the AG-SF1 District, and locating it closer to an agricultural field should not have a negative impact on the community's health and safety.



2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

**Findings:** It is unlikely that the use and value of adjacent property will be affected in an adverse manner. The neighboring land use to the east is agricultural/residential. The proposed garage would be adjacent to the agricultural activity on the Eastern Property, not the residential activity. Feedback from adjacent property owners should provide insight about the impact on adjacent properties.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property:

**Finding:** Strict adherence to the zoning ordinance would result in the inability to construct the detached garage, as proposed. Adhering to the zoning ordinance would either result in the garage encroaching on an existing septic field, or it would result in the garage being located a further distance from the principal residential structure.

### **RECOMMENDATIONS**

Approve this request based on the findings of this report.

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***KMT***